

**BOARD OF APPEALS CASE NO. 5296**

\*

**BEFORE THE**

**APPLICANTS: Ronald & Denise Sappington**

\*

**ZONING HEARING EXAMINER**

**REQUEST: Variance to permit an addition and  
deck within the required rear yard setback;  
912 E. Broadway, Bel Air**

\*

**OF HARFORD COUNTY**

\*

**Hearing Advertised**

\*

**Aegis: 10/16/02 & 10/23/02**

**HEARING DATE: November 18, 2002**

\*

**Record: 10/18/02 & 10/25/02**

\* \* \* \* \*

## **ZONING HEARING EXAMINER'S DECISION**

The Applicants, Ronald and Denise Sappington, are requesting a variance, pursuant to Section 267-36B, Table V, and Section 267-23C(1)(a)(6), of the Harford County Code, to allow an addition and deck within the required 40 foot and 30 foot rear yard setback (25 feet proposed) in an R2/Urban Residential District.

The subject property is located at 912 East Broadway, Bel Air, MD 21014 and is more particularly identified on Tax Map 41, Grid 4C, Parcel 641. The parcel consists of 11,348 square feet, is zoned R2/Urban Residential and is entirely within the Third Election District.

Mr. Ronald Sappington appeared and testified that he wants to add a 16 foot by 20 foot addition with attached 16 foot by 16 foot deck to the rear of his house. The current home is a 46 foot by 26 foot, two-story home and proposed is a single-story addition that will provide additional year-round living space. The home is located on a corner lot and is subject to two front yard setbacks, making the parcel unique compared to other parcels in the immediate area. Additionally, the corner configuration results in a much decreased building envelope to the rear of the home. The Applicant did not believe any adverse impacts would result from the approval of his request.

Mr. Anthony McClune appeared as the representative of the Department of Planning and Zoning. Mr. McClune stated that the Department had found that the corner configuration of the Applicant's lot resulted in a unique circumstance justifying the requested variance.

## **Case No. 5296 – Ronald & Denise Sappington**

The house adjacent to the Applicant's is oriented away from the corner property line and should not be impacted by the variance. Mr. McClune indicated that if this were an interior and not a corner lot, the Applicant could build his addition and deck without the need for any variances as only a 10 foot side yard setback would be required. In this case, a 25 foot setback will be maintained after construction of the addition and deck. Mr. McClune, referring to Attachment 6A of the Department's Staff Report, pointed out similar additions and decks located in the surrounding community. Based on the facts and circumstances of this case and the surrounding properties the Department is of the opinion that the proposed encroachment into the setback will not result in adverse impacts to neighboring or adjacent properties, nor will the purposes of the Code provisions be impaired.

There were no persons that appeared in opposition to the request.

### **CONCLUSION:**

The Applicants, Ronald and Denise Sappington, are requesting a variance, pursuant to Section 267-36B, Table V, and Section 267-23C(1)(a)(6) of the Harford County Code, to allow an addition and deck within the required 40 foot and 30 foot rear yard setback (25 feet proposed) in an R2/Urban Residential District.

For the reasons stated by the Applicant and the Department of Planning and Zoning, the Hearing Examiner finds that the subject parcel is uniquely configured compared to surrounding properties; that the request will result in a minor variance from the setback provisions of the Code; that the proposed use is consistent with and compatible with similar structures and decks found in the surrounding community; and lastly, that there will be no adverse impact on adjoining or neighboring properties and the purposes and intent of the Code will not be impaired. For the foregoing reasons the Hearing Examiner recommends approval of the request subject to the condition that the Applicants obtain any and all necessary permits and inspections.

Date DECEMBER 16, 2002

William F. Casey  
Zoning Hearing Examiner